

111TH CONGRESS
1ST SESSION

H. RES. 171

Expressing the sense of the House of Representatives on the need for constitutional reform in Bosnia and Herzegovina and the importance of sustained United States engagement in partnership with the European Union (EU).

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Mr. BERMAN (for himself, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. SMITH of New Jersey, Mr. CARNAHAN, Mr. FORTENBERRY, Mr. ENGEL, Mr. KIRK, and Mr. POMEROY) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives on the need for constitutional reform in Bosnia and Herzegovina and the importance of sustained United States engagement in partnership with the European Union (EU).

Whereas a brutal conflict marked by aggression and ethnic cleansing, including the commission of war crimes, crimes against humanity, and genocide, was brought to an end by the General Framework Agreement for Peace in Bosnia and Herzegovina (commonly referred to as the “Dayton Peace Accords”), which was agreed to at Wright Patterson Air Force Base in Dayton, Ohio, on November 21,

1995, and signed in Paris, France, on December 14, 1995;

Whereas in the 13 years since the signing of the Dayton Peace Accords, the people of Bosnia and Herzegovina have worked in partnership with the international community to achieve considerable progress in building a peaceful and democratic society based on the rule of law, respect for human rights, and a free market economy;

Whereas political leaders of Bosnia and Herzegovina have agreed to significant reforms of public administration and broadcasting, the creation of state-level law enforcement and judicial institutions, the establishment of a unified armed services and Ministry of Defense, and the creation of an Indirect Taxation Authority;

Whereas the United States has continued to support the sovereignty, legal continuity, and territorial integrity of Bosnia and Herzegovina within its internationally recognized borders as well as the equality of the three constituent peoples and others within a united, multi-ethnic country in accordance with the Dayton Peace Accords;

Whereas the full incorporation of Bosnia and Herzegovina into the Euro-Atlantic community is in the national interest of the United States and important for the stabilization of southeastern Europe;

Whereas Bosnia and Herzegovina committed to the shared values of democracy, security, and stability by joining the Partnership for Peace program of the North Atlantic Treaty Organization (NATO) in December 2006;

Whereas NATO recognized Bosnia and Herzegovina's progress in achieving political and defense reforms by in-

viting the country to begin an Intensified Dialogue at the Bucharest Summit in April 2008;

Whereas Bosnia and Herzegovina took the first step on the road toward European Union (EU) membership by signing a Stabilization and Association Agreement (SAA) in June 2008;

Whereas the international community has successfully preserved peace and stability in Bosnia and Herzegovina since the signing of the Dayton Peace Accords, through NATO's Stabilization Force (FOR) and by a European Union Force (EUFOR) since December 2004;

Whereas the Office of the High Representative (OHR) has similarly promoted peace and stability by facilitating implementation of the civilian aspects of the Dayton Peace Accords, including through use of the extensive powers given it by the international Peace Implementation Council (PIC), with the goal of transferring its responsibilities to a European Union Special Representative (EUSR) at the appropriate time;

Whereas, these notable accomplishments notwithstanding, the citizens of Bosnia and Herzegovina continue to face significant challenges in its efforts to progress toward Euro-Atlantic integration;

Whereas the Dayton Peace Accords included many compromises imposed by the need for quick action to preserve human life that have hindered efforts to develop efficient and effective political institutions;

Whereas the Council of Europe's Venice Commission has concluded that the current constitutional arrangements of Bosnia and Herzegovina are neither efficient nor rational, and that the state-level institutions need to become

more effective and democratic if the country is to move toward EU membership;

Whereas the “April package” of reforms, agreed upon by five major political parties in 2006, failed to achieve the requisite two-thirds majority in parliament;

Whereas in February 2008, the PIC stipulated five objectives (resolution of state property, resolution of defense property, completion of Breko Final Award, fiscal sustainability, and entrenchment of rule of law) and two conditions (signing of SAA with the EU and a “positive assessment” by the PIC) that must be met before the OHR is closed; and

Whereas the March 2009 meeting of the PIC provides a critical opportunity for an honest and accurate assessment of whether Bosnia and Herzegovina have met the five conditions and two principles established to determine when the OHR should be closed and oversight power transferred to the EUSR: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) it is increasingly urgent that Bosnia and
4 Herzegovina work toward the creation of an efficient
5 and effective state able to meet its domestic and
6 international obligations with more functional insti-
7 tutions, including a state government capable of
8 making self-sustaining reforms and fulfilling Euro-
9 pean Union (EU) and North Atlantic Treaty Orga-
10 nization (NATO) requirements;

1 (2) any agreement on constitutional reform in
2 Bosnia and Herzegovina should advance the prin-
3 ciples of democracy and tolerance, rectify provisions
4 that conflict with the European Charter of Human
5 Rights, include the general public in the process,
6 and be consistent with the goal of EU membership;

7 (3) continued efforts should be made domesti-
8 cally and at the International Criminal Tribunal for
9 Yugoslavia (ICTY) to achieve justice for victims of
10 war crimes, crimes against humanity, and genocide,
11 as well as to promote reconciliation among ethnic
12 groups;

13 (4) the United States should appoint a Special
14 Envoy to the Balkans who can work in partnership
15 with the EU and political leaders in Bosnia and
16 Herzegovina to facilitate reforms at all levels of gov-
17 ernment and society, while also assisting the political
18 development of other countries in the region;

19 (5) the Office of the High Representative
20 (OHR) should not be closed until the Peace Imple-
21 mentation Council (PIC) can definitively determine
22 that Bosnia and Herzegovina have met the five con-
23 ditions and two principles;

24 (6) the EU should carefully consider its plans
25 for the future deployment of the European Union

1 Force (EUFOR) given the psychological reassurance
2 of security and deterrence of violence provided by its
3 continued presence in Bosnia and Herzegovina; and
4 (7) the United States should work closely with
5 and support the EU in the transition to a European
6 Union Special Representative (EUSR) to ensure
7 that the EUSR has the authority and tools to man-
8 age effectively post-OHR Bosnia and Herzegovina,
9 including a clear set of EU candidacy and member-
10 ship conditions with explicit and objective yardsticks
11 and a precise list of benchmarks to increase the
12 functionality of the Bosnian state to be achieved by
13 constitutional reform.

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